

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 13464WO/mt	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/009224	International filing date (day/month/year) 17.08.2004	Priority date (day/month/year) 22.08.2003
International Patent Classification (IPC) or national classification and IPC F16C1/14, F16C1/22		
Applicant SCHUKRA GERÄTEBAU AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>10</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. 1

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-29 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-73 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/18-18/18 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV

Lack of unity of invention

1. ☒ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ neither restricted the claims nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:

See Supplemental Box

4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-13, 66-73

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
1. Statement	
Novelty (N)	Claims <u>1-13, 66-73</u> YES Claims _____ NO
Inventive step (IS)	Claims <u>1-13, 66-73</u> YES Claims _____ NO
Industrial applicability (IA)	Claims <u>1-13, 66-73</u> YES Claims _____ NO
2. Citations and explanations (Rule 70.7)	
4	Reference is made to the following document: D1: EP-A1-0 774 590 (SCHWARZBICH, JOERG) 21 May 1997 (1997-05-21)
4.1	Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses refer to that document): an adjustment mechanism for a Bowden cable arrangement, comprising a housing (12), with a first threaded part (32), which is guided in the housing so as to be axially movable but rotationally secure and for connecting to the Bowden cable arrangement, and with a second threaded part (26), which is arranged in the housing to as be axially secure but rotatable and which is engaged with the threading on the first threaded part, the housing comprising a projection (16) with an opening.
4.2	The subject matter of claim 1 thus differs from

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>the adjustment mechanism known from D1 in that a sleeve is provided, said sleeve having an opening which is used to hold a sheath in the Bowden cable arrangement, the sleeve having a through-hole, through which a wire of the Bowden cable arrangement can be guided for connecting to the first threaded part by guiding the wire through the opening in the projection of the housing, and the sleeve having an edge section which engages around the projection of the housing when the sleeve is placed on the projection of the housing.</p>
4.3	<p>The subject matter of claim 1 is thus novel (PCT Article 33(2)).</p>
4.4	<p>The present invention can be considered to address the problem of improving the mechanical properties of the adjustment mechanism, more particularly the deformation resistance when relatively large adjustment forces are applied.</p>
4.5	<p>The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons: the above-mentioned problem is not considered in the prior art and the use of a sleeve to protect the structure is neither disclosed nor suggested by the prior art.</p>
4.6	<p>Claims 2 to 13 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step. Moreover, claims 66</p>

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

to 73 would meet those requirements if they were
worded so that were dependent only on one or more
of claims 1 to 13 or 66 to 72.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box IV**Lack of unity of invention**

- 1 This authority has determined that the international application contains multiple inventions or groups of invention which are not linked by a single general inventive concept (PCT Rule 13.1), as follows:

(i) Claims 1-13, 66-73

Claims 1 to 13 and 66 to 73 describe an adjustment mechanism for a Bowden cable arrangement.

The relevant prior art document EP 0774590 (cited in the application) describes a turnbuckle for a cable pull.

In view of the prior art document, the special technical feature of this invention is the sleeve used to hold a sheath in the Bowden cable arrangement. The technical problem solved by this feature is that of preventing distortion of the housing neck.

(ii) Claims 14-29

Claims 14 to 29 also describe an adjustment mechanism for a Bowden cable arrangement.

Supplemental Box

In view of the prior art document EP 0774590, the special technical feature of this invention is the idea of having two diametrically opposite projections. The technical problem addressed by this feature appears to be that of providing means for reliably limiting the relative movement between the threaded elements.

(iii) Claims 30-36

Claims 30 to 36 also describe an adjustment mechanism for a Bowden cable arrangement.

In view of the prior art document EP 0774590 B1, the special technical feature of this invention is the threaded spindle with two threaded portions separated by unthreaded portions. This feature appears to allow the production tool to close around the spindle.

(iv) Claims 37-46

Claims 37 to 46 also describe an adjustment mechanism for a Bowden cable arrangement.

In view of the prior art document EP 0774590, the special technical feature of this invention is the material recess. This feature saves on material and results in greater efficiency.

Supplemental Box

(v) Claims 47-53

Claims 47 to 53 also describe an adjustment mechanism for a Bowden cable arrangement.

In view of the prior art document EP 0774590, the special technical feature of this invention is the positioning means in the form of protruding projections. The technical problem addressed by this feature is that of preventing friction or tilting.

(vi) Claims 54-61

Claims 54 to 61 also describe an adjustment mechanism for a Bowden cable arrangement.

In view of the prior art document EP 0774590, the special technical feature of this invention is the rounding of the threaded portions at the parting surfaces of the half shells. This feature avoids a sharp transition between the threaded portions of the half shells.

(vii) Claims 62-65

Claims 62-65 also describe an adjustment mechanism for a Bowden cable arrangement.

In view of the prior art document EP 0774590, the special technical feature of this invention is the opening in the unthreaded portion. This feature

Supplemental Box

does not appear to solve any technical problem.

- 2 The special technical features of the above seven inventions are neither identical nor similar. Furthermore, the suspected technical problems that are solved by those features are neither identical nor similar, with the possible exception of the general problems, such as improved manufacturing.

- 3 Consequently, the stated groups of claims do not meet the requirements for unity of invention pursuant to PCT Rule 13.1 and 13.2 on the basis of either the special technical features of the claims or the problems solved thereby.